

REMARKS

Further to the response filed October 2, 2008, Applicants respectfully request due consideration of the following remarks.

Rejection Under 35 U.S.C. § 103(a)

The Examiner maintains the rejection of claims 1-7 under 35 U.S.C. §103(a) as obvious over Hosokawa (EP 0 889 063) (hereinafter Hosokawa '063) in view of Shimomura et al. (U.S. 4,959,060) (hereinafter Shimomura '060) "for the rationale recited in paragraph 6 of Office action dated on October 3, 2007". Applicants respectfully traverse.

Applicants respectfully maintain that the Examiner has failed to establish a *prima facie* case of obviousness. Assuming, *arguendo*, that the Examiner has established a *prima facie* case of obviousness, Applicants respectfully submit that the present invention possesses unexpectedly superior results over the cited prior art references. Evidence of unobvious or unexpected advantageous properties, such as superiority in a property the claimed compound shares with the prior art, can rebut *prima facie* obviousness. *In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987).

Applicants submit herewith, for the Examiner's careful consideration, a **Declaration under 37 CFR 1.132 by Mr. Hideki YOKOYAMA** (hereinafter "the Yokoyama Declaration"). The Yokoyama Declaration demonstrates the unexpectedly superior results of the presently claimed invention as compared to Hosokawa '063. As can be seen from Table I of the Yokoyama Declaration, the superabsorbent resins in accordance with Hosokawa '063, with or without reducing agents, after standing for 20 days at 50°C and 90% relative humidity have a yellow index greater than 12.

Applicants direct the Examiner's attention to the present specification at page 31, Table 2, wherein it is shown that water-absorbent resins in accordance with the present invention have

a yellow index of less than 12, after standing for 20 days at 50°C and 90% relative humidity. For the Examiner's convenience, Table 2 is reproduced hereinbelow.

	Results for Discoloration Test			Absorbent Article
	Water-Absorbent Resin			
	Yellow Index Before Test (YI _a)	Yellow Index After Test (YI _b)	Difference in Yellow Index (YI _b -YI _a)	
Ex. 1	6.8	7.0	0.2	A
Ex. 2	7.1	7.6	0.5	A
Ex. 3	7.4	8.2	0.8	A
Ex. 4	7.2	7.8	0.6	A
Ex. 5	7.3	8.7	1.4	A
Ex. 6	6.9	7.3	0.4	A
Ex. 7	7.2	8.1	0.9	A
Ex. 8	7.5	9.5	2.0	A
Comp. Ex. 1	10.4	21.1	10.7	C
Comp. Ex. 2	7.7	24.0	16.3	C
Comp. Ex. 3	9.7	13.3	3.6	B
Comp. Ex. 4	6.8	25.1	18.3	C
Comp. Ex. 5	7.5	26.3	18.8	C
Comp. Ex. 6	10.2	17.3	7.1	C

It should be noted that there is a substantial difference between the Yellow Index of the present invention and that of Hosokawa '063.

The yellow index is significant because resins having a low yellow index (i.e., less than 12) possess less discoloration than those resins having a yellow index greater than 12. According to the present invention, there can be prepared a water-absorbent resin having no discoloration immediately after the preparation, and having suppressed discoloration even when

subjected to a room temperature storage or high-temperature, high-humidity storage for a long period of time. Therefore, an absorbent and an absorbent article using the water-absorbent resin obtained by the process of the present invention have higher commercial values as compared to the cited prior art.

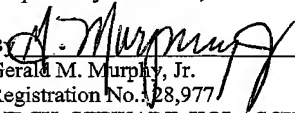
Accordingly, in view of the unexpectedly superior results obtained by the present invention, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection. Moreover, Applicants submit that the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gerald M. Murphy, Jr., Reg. No. 28,977 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 31, 2008

Respectfully submitted,

By 
MTC Gerald M. Murphy, Jr.
Registration No. 128,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment: Declaration under 37 CFR 1.132 by Mr. Hideki YOKOYAMA